

## ATTACHMENT B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., a Delaware Corporation; WARNER BROS. RECORDS, INC., a Delaware Corporation; ARISTA RECORDS, INC., a Delaware Corporation; BMG MUSIC, a New York general partnership; SONY MUSIC ENTERTAINMENT, INC., a Delaware Corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

CIVIL ACTION No. 04-CV-40168 FDS

v.

JIM FITZPATRICK,


Defendant.

**AFFIDAVIT OF RICHARD P. SIMON**

I, Richard P. Simon, do hereby swear and depose, as follows:

1. That am the proprietor of Data Recovery Professionals.
2. That I conducted a forensic survey of the Defendant's laptop computer identified on the enclosed report from June 1, 2005 to June 7, 2005.
3. Attached as Exhibit A is a true and accurate copy of my report dated June 7, 2005.

Signed under the pains and penalties of perjury this 7<sup>th</sup> day of JUNE, 2005.

  
Richard P. Simon

**DATA RECOVERY PROFESSIONALS**

*A Division of Webdeals Computer Warehouse*

717 Southbridge St  
Auburn, Massachusetts 01501  
Tel. (508) 832-0290  
Web: [www.data-recoverypros.com](http://www.data-recoverypros.com)

June 7, 2005

Atty. Michael T Gaffney Mba Cpcu.  
390 Main St Ste 543  
Worcester, MA 01608-2505

Re: Hard drive forensics

**Location: IBM Thinkpad T22    Type: 2648 5VU    Serial: 78GZFC4**

**Hard drive name: IC25N020ATMR04-0M010AD4A    Firmware: M010A04A**  
**Part# 13N6700    FRU# 13N6701**

Dear Attorney Gaffney:


Regarding the abovementioned hard drive, a complete forensics survey has been completed utilizing standard data recovery hard drive forensic tools and techniques.

There are no deleted files related to or recoverable with respect to any music folders and or usual and customary music related file extensions.

In conclusion, in our best professional judgment, there is no reasonable basis to conclude that there were any files or folders current or past on this particular hard drive that had any relevance to music files.

If you have any further questions, please don't hesitate to contact us.

Truly yours,



Richard P. Simon Sr.

RPS/lop

File 88189322